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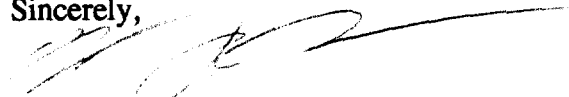
Re: Electric Lightwave, Inc.'s Petition for Waiver of LNP Phase II
Implementation Deadline and 60-Day Advance Filing Requirement
CC Docket No. 95-116

Dear Ms. Salas:

Transmitted herewith for filing on behalf of Electric Lightwave, Inc. is an original and four (4) copies of its Petition for Waiver of LNP Phase II Implementation Deadline and 60-Day Advance Filing Requirement in the above-referenced matter.

If there are any questions, please communicate directly with the undersigned.

Sincerely,



Mitchell F. Brecher
Counsel to Electric Lightwave, Inc.

Enclosures

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20544

APR 6 - 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of
Telephone Number Portability

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CC Docket No. 95-116

ELECTRIC LIGHTWAVE, INC.'S PETITION FOR WAIVER OF
LNP PHASE II IMPLEMENTATION DEADLINE AND
60-DAY ADVANCE FILING REQUIREMENT

Pursuant to Section 52.3 (e) of the Commission's Rules, 47 C.F.R. §52.3(e),¹ and the Phase I Waiver Order, in the above-captioned proceeding,² Electric Lightwave, Inc. ("ELI") hereby requests that the Commission waive its May 15, 1998 deadline for implementation of long-term local number portability ("LNP") in these MSAs scheduled for "Phase II" of LNP deployment in the Western, Southeast and West Coast regions.

ELI is fully committed to fulfilling the Commission's requirements for LNP , and has made every effort to ensure that its network is in full compliance with the number portability implementation schedule established by the Commission's rules. However, as was found by the Phase I Waiver Order, the failure of the Number Portability Administration Center/Service Management System ("NPAC/SMS") vendor in the Western, Southeast and West Coast regions to timely provide a stable LNP platform will prevent carriers in those regions from offering long-term portability in compliance with the schedule established in the LNP Reconsideration

¹ First Report and Order and Further Notice of Proposed Rulemaking, In the Matter of Telephone Number Portability, CC Docket No. 95-116, RM 8535, released July 2, 1996.

² Order, Telephone Number Portability, CC Docket No. 95-116, DA 98-152, released January 28, 1998 ("Phase I Waiver Order")

Order.³ Accordingly, although ELI will timely execute all necessary modifications and upgrades within its own network, the delayed availability of the NPAC/SMS will preclude it from offering LNP Phase II in accordance with the Commission's schedule because inter-company testing will not be completed by the May 15, 1998 deadline.

60-DAY ADVANCE FILING REQUIREMENT

Section 52.3(e) of the Commission's rules requires a carrier that is unable to meet the LNP deployment schedule to

“demonstrate through substantial, credible evidence the basis for its contention that it is unable to comply with the deployment schedule set forth in Appendix A to Part 52 of this chapter. Such requests must set forth: (1) the facts that demonstrate why the carrier is unable to meet the Commission's deployment schedule; (2) a detailed explanation of the activities that the carrier has undertaken to meet the implementation schedule prior to requesting an extension of time; (3) an identification of the particular switches for which the extension is requested; (4) the time within which the carrier will complete deployment in the affected switches; and (5) a proposed schedule with milestones for meeting the deployment date.”

However, while Section 52.3 (e) requires that the petitions for waiver be filed at least 60 days in advance of the deadline for which the waiver is requested, the Phase I Order authorized carriers seeking a waiver on account of the unavailability of the NPAC/SMS in the Western, Southeast and West Coast regions to file their waiver requests 30 days in advance of the Phase I deadline. The uncertainty surrounding rescheduling due to the NPAC/SMS problems

³ First Memorandum Opinion and Order on Reconsideration, Telephone Number Portability, CC Docket No. 95-116, FCC 97-74, released March 11, 1996 (LNP Reconsideration Order).

has resulted in confusion among the affected companies regarding the appropriate next step. ELI was under the impression from discussions among its member companies in the West Coast and Western Region Limited Liability Companies ("LLC") that a joint waiver request would be filed with the Commission on behalf of all affected companies; however, due to differing opinions and concerns regarding prospective timelines and how to proceed with the request, such action never materialized. Therefore, ELI is now making such a filing on its own behalf and hereby requests that the Commission make the same 30-day advance filing allowance that was provided in the Phase I Order to carriers seeking a waiver on Phase I implementation deadlines, to carriers seeking a waiver for the Phase II implementation deadlines due to the unavailability of the NPAC/SMS in the Western, Southeast and West Coast regions.

LNP PHASE II IMPLEMENTATION

- 1) Facts that demonstrate why ELI is unable to meet the Commission's deployment schedule:

The facts underlying ELI's waiver request were documented in the NANC's January 21, 1998 letter⁴ to the Common Carrier Bureau which prompted the Phase I Waiver Order, and in the comments the Bureau received in response to that letter. In brief, Perot Systems, Inc., the company selected as the LNP Administrator ("LNPA") in the three affected regions, was unable to provide a stable NPAC/SMS during Turn-up Testing, and clearly will not be able to provide that platform in time to permit carriers to implement Phase II LNP.

⁴ See Letter from Alan Hasselwander, Chairman, North American Numbering Council to Richard A. Metzger, Jr., Chief, Common Carrier Bureau, FCC, January 21, 1998.

2) Activities ELI has undertaken to meet the implementation schedule prior to requesting an extension of time:

As stated above, ELI has completed, or will timely complete, all upgrades and modifications to its own network which are necessary to permit it to provide long-term portability in all of the Phase II MSAs. As soon as an NPAC/SMS becomes available in the Western, Southeast and West Coast regions and inter-company testing is completed, ELI can expeditiously begin meeting all of its LNP obligations.

The LLCs in the affected regions have been diligently seeking to keep NPAC/SMS deployment on track, and to keep the Commission and the NANC apprised of the status of their efforts. Recently, the LLCs of all three affected regions agreed to replace Perot Systems with Lockheed Martin IMS as LNPA, and have executed Master Contracts with Lockheed Martin to that effect (subject to the Commission's approval). As the Commission knows, Lockheed Martin was selected as the LNPA for the four remaining regions, and that company has developed and implemented a workable NPAC/SMS. ELI believes that the LLCs' well-considered action in replacing Perot Systems will make it possible to implement LNP in the Western, Southeast and West Coast regions much more rapidly than would otherwise have been feasible, as Lockheed Martin's NPAC/SMS architecture and software platform are generally recognized as stable, and that company now can deploy what is essentially a "turnkey" system in the regions in which Perot formerly served as LNPA.

3) Particular switches for which the extension is requested:

All switches for which ELI has received a request for portability in Phase II MSAs in the Western, Southeast and West Coast regions would be LNP-capable by May 15, 1998, but for the unavailability of an NPAC/SMS in each of those areas. However, because inter-company testing following Lockheed Martin's deployment of the new NPAC/SMS will not be completed by the Phase II deadline, ELI seeks a waiver for a total of two switches in the affected regions. These switches are listed in Exhibit 1 to this document.

4) Time within which ELI will complete deployment in the affected switches:

As stated above, ELI has completed, or will timely complete, deployment of all necessary modifications and upgrades within its own network required for long-term LNP. However, ELI cannot begin to provide that capability in the affected regions until such time as an NPAC/SMS becomes available for the porting of numbers.

ELI's proposed implementation schedule for Phase II:

- Inter-company testing completed: July 1, 1998
- LNP implementation in Phase II MSAs completed: August 1, 1998.

CONCLUSION

For the reasons stated, ELI requests that the Commission grant ELI's request for both a waiver of the 60-day advance filing requirement for petitions for waiver of the implementation deadline, and of the requirement to implement long-term local number portability in Phase II

MSAs in the Western, Southeast and West Coast regions by May 15, 1998. In addition, ELI requests that the Commission adopt the following deadlines for the remainder of LNP implementation in the Western, Southeast and West Coast region for affected carriers:

Phase III

- Inter-company testing completed: July 22, 1998
- LNP implementation in Phase II MSAs completed: August 22, 1998.

Phase IV

- Inter-company testing completed: August 5, 1998
- LNP implementation in Phase II MSAs completed: September 5, 1998.

Phase V

- Remainder of LNP implementation in compliance with the schedule established in the Commission's LNP Reconsideration Order.

Respectfully submitted,

ELECTRIC LIGHTWAVE, INC.

By: 

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Electric Lightwave, Inc.
Petition for Waiver
CC Docket No. 95-116

EXHIBIT 1

**SWITCHES FOR WHICH ELI SEEKS WAIVER OF PHASE II LNP DEADLINES IN
THE WESTERN, SOUTHEAST AND WEST COAST REGIONS**

Western Region

PhoenixPHNXAZ87DS0

SeattleSTTLWATWDS0

Electric Lightwave, Inc.
Petition for Waiver
CC Docket No. 95-116

EXHIBIT 2

Three Regional LLCs (Western, Southeast and West Coast) met on February 23rd to discuss the effect of transitioning from form LNPA vendor Perot Systems to Lockheed Martin IMS, and the resulting impact on Industry Testing as well as MSA Implementation Schedules.

Consensus was reached that the NPAC Live date (May 11, 1998) appearing in Lockheed's Turn-Up Plan is the date when Inter-company, end-to-end testing may begin in each of the three regions, (BellSouth concurs with the intervals in the Lockheed Turn-Up Plan, but does not believe BellSouth will be ready for Inter-company testing by May 11.) the members also agreed that this period will last approximately thirty (30) days. (US West reports that the Western Region Testing Team currently supports a period ranging from six (6) to seven (7) weeks.)

Upon successfully completion of Inter-company, end-to-end testing, some companies support a phased/metered office conversion approach. Other companies will determine their support of such an approach base upon the interval proposed for each phase. End dates for the affected MSAs are currently not available. More details will follow in individual company waiver requests to be filed no later than March 2nd for Phase 1 MSAs.

The LLCs will provide NANC with additional information as it becomes available.

Pamela Connell
President
Southeast Number Portability Company, LLC

Richard Scheer
Chair
West Coast Portability, Services, LLC

Tommy Thompson
Chair
Western Region Telephone Number Portability, LLC